

One Year Later

Webster Puts Imprint On FBI

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WASHINGTON

WILLIAM H. WEBSTER has been in Washington for an entire year and has not become involved in a major public controversy. This is a newsworthy event.

Webster, a former federal judge in St. Louis, was sworn in last Feb. 23 as director of the Federal Bureau of Investigation, succeeding the late J. Edgar Hoover and a procession of more or less interim directors whose names did not become household words.

It may be that Webster will be the first FBI director since Hoover to leave a strong, personal imprint on the nation's best-known law enforcement agency. All the signs in his first year point that way — but it is certain to be a different kind of imprint.

This is because Webster does not fit into the Washington pattern at all. He is not a politician, a bureaucrat, a policeman or a spy. He is a rather rare but not unknown breed — a federal judge who was persuaded to step down from the bench and wade into life as she is lived. Upon being handed the hot potato, Webster agreed to take it.

HE HAS BEEN GIVEN an inside task and an outside task. On the inside, he has to rebuild the FBI itself. On the outside, he has to rebuild public confidence in the FBI. There is general agreement that he has made considerable progress in both areas but that his major tests are still to come. Major tests are always still to come.

The world, Anthony Trollope said, is a place of hard words and harsh judgments. Washington lives by this rule. But it has found little to criticize in Webster's performance so far, and a good deal to praise. This has come as a distinct disappointment on the cocktail circuit, where the idea is if you can't say anything nice about someone, tell me all about it.

Attorney General Griffin B. Bell

has said that Webster may turn out to be "the best appointment President (Jimmy) Carter ever made." The new director has made a favorable impression on Capitol Hill, where he is generally rated as a sensible, serious man of great integrity and sincerity.

HOWEVER, THE MILLENNIUM

has not exactly arrived. The American Civil Liberties Union, a key organization in monitoring the FBI's activities, is reserving judgment on Webster until it knows more about his position on important constitutional and freedom-of-information issues involving the bureau.

"You can't in one year overcome a 40-year record of dubious and illegal investigations," says Jerry J. Ber- man, the ACLU's chief legislative counsel. "Public confidence (in the FBI) can't be restored in one year."

Webster himself is emphasizing two words — archaeology and accountability. Archaeology is his word for the illegal wiretaps, burglaries, warrantless searches, electronic surveillances, mail openings and assorted other FBI felonies of the Hoover era.

There will be an echo of the old days when L. Patrick Gray III, former acting director of the FBI, goes on trial next month on charges of "conspiracy against the rights of citizens" in connection with FBI surveillance of the radical Weather Underground movement.

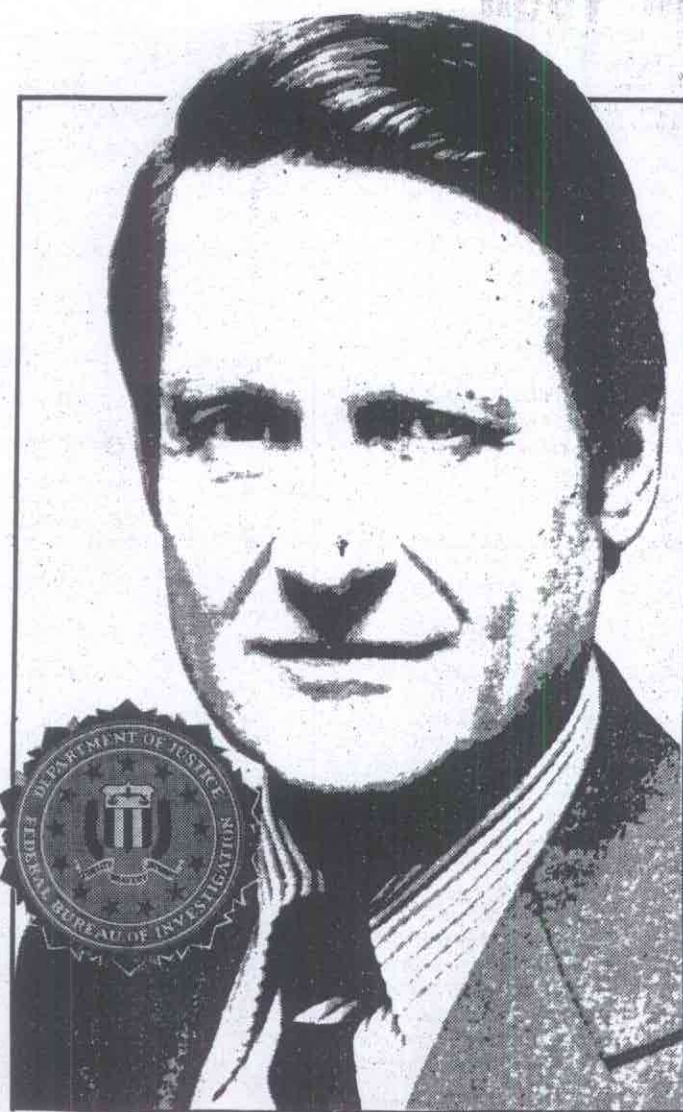
BUT WEBSTER'S word choice — archaeology — makes it clear that he believes the last vestiges of Hooverism have been eradicated from the FBI and it is time to get on with new business. Heading his list of priorities, he told the Post-Dispatch in an interview this week, is the restoration of public confidence in the bureau.

"Everything I've tried to do in the past year has had that single goal in mind," he said. "We have done our job well, and I think the American people feel good about us...I want people to be comfortable with their FBI, (and) I sense a growing feeling of confidence."

Although Webster seldom mentions Hoover and his expression grows aristocratically chilly when the Great G-man's name comes up, he is emphasizing the FBI's new accountability to Congress and the public simply because the FBI was not accountable under Hoover. Many bad things happened as a result.

"WE ARE TRYING to give evidence of our willingness to be accountable," Webster says. "That's a word we take very seriously around

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William H. Webster
Restoring public confidence

here. We are trying to demonstrate it, not just say it but demonstrate it.

"We are trying to make the bureau operationally representative of the country through our affirmative action program. We are trying to demonstrate to Congress and others who have had questions in the past that the FBI is manageable and responsive, and that we can and are doing important, tough work under current perceptions of privacy and well within the rule of law."

Under the affirmative action program, one of Webster's top priorities, the number of black FBI agents has increased from 144 when he took over to 188 now, the number of Hispanic-American agents from 155 to 181, the number of women agents from 94 to 152, the number of Asian-Americans

from 34 to 40, the number of American Indians from 15 to 16.

THE FBI HAS 7800 agents, meaning that white males still predominate. Webster is not operating under a quota system — there will be no Bakke reverse discrimination suits against the FBI if he can help it — but he says "I want more (minority and women agents). I will let you know when I get enough."

When Webster took over as FBI director, 68 present or former FBI agents and supervisors were under criminal investigation for alleged illegal surveillance of relatives and friends of Weather Underground fugitives. This was the same case that led to Gray's indictment.

The Justice Department declined to prosecute any of the 68. It referred the cases to the FBI director for possible disciplinary action. Either way, the impact on the morale of rank-and-file FBI agents was tremendous, since it involved the question of

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whether agents could be punished for obeying the orders of their superiors. Not for the first time in history, the orders involved illegal acts.

Webster closed the case. He censured two agents but said no action would be taken against the remaining 58. He dismissed one supervisor, demoted two others, and suspended a fourth for 30 days.

IT WAS A MILD, relatively quiet ending to a case that could have plunged Webster into a noisy controversy. The reaction of most of the nation's newspapers was favorable, and Webster received only 89 letters about the case. It was a measure of the extent to which he was cooled off the FBI as a public issue. This year could be tougher. Most years are. The ACLU and other groups that weren't born yesterday are waiting

to see the new FBI charter that is being drafted by Webster and the Justice Department. Webster is pushing hard for a charter that will be a positive statement of the FBI's duties, not just a series of "thou shalt nots."

"We want to see whether it (the charter) is limited to clear criminal investigations or whether it is so broad that it could threaten legitimate First Amendment activities," Berman said.

Although Webster wants the charter to spell out the legal limits on FBI activities, he also wants it to protect FBI agents from civil liability when they act under orders. This could put him on a collision course with civil libertarians and liberals in general.

IF THE FBI demonstrates that it is behaving responsibly and lawfully, and if it is clear that FBI agents will be pros-

ecuted or disciplined for criminal actions, "then we ought to be able to protect our troops" against civil suits, Webster told the Post-Dispatch.

"These civil suits (damage suits against individual FBI agents) operate to keep us from being as effective as we ought to be," he said. "The threat of lawsuits against agents in their individual capacity has made them cautious when they shouldn't be."

Webster is backing a bill that would amend the Federal Tort Claims Act to immunize federal officials from personal liability for violations of constitutional rights. The ACLU sees great merit in a provision of the bill that would make it clear that citizens could sue the government for such violations, but it is intensely skeptical of the idea of barring personal liability.

"Webster's position is essentially 'trust me,'" Berman said. "He says civil liability inhibits FBI agents, but we think it is a good thing to inhibit them from violating constitutional rights."

WEBSTER ALSO FAVORS amending the Freedom of Information Act to provide for a 10-year moratorium on public disclosure of investigative files.

In 1976, former Attorney General Edward H. Levi drew up guidelines governing the FBI's conduct of so-called domestic security investigations. It was under the umbrella of domestic security that the Hoover FBI investigated and sometimes harassed all kinds of organizations that were indulging in free speech and other activities.

Webster has no problem with the guidelines, but he says the Freedom of Information Act is shrinking the number of FBI informants, because informants fear disclosure of their identities when FBI files are made public under the act.

New FBI agents, in particular, are reluctant to develop informants because "they cannot give assurance of total confidentiality," Webster told the Post-Dispatch. "It's not the guidelines that are causing the trouble. It's the shrinking of our informant program because of the Freedom of Information Act and court-ordered disclosure (of informants' names)."

However, Berman says there is "no evidence that informants or the investigative process have been jeopardized by the Freedom of Information Act."

IN HIS FIRST YEAR, Webster has continued the change in the FBI's investigative priorities that was begun by his predecessor, Clarence M. Kelley. The bureau is paying somewhat less attention to automobile theft, bank robbery and other classic crimes, and more attention to white collar crime, organized crime, terrorism and espionage.

Modern crimes for modern times. John Dillinger and the old-fashioned bank heist made the FBI famous, but today's criminals are ripping off banks by flummoxing their computers.

The FBI is a large bureaucracy, and its top ranks when Webster arrived were largely holdovers from the Hoover era. The question right from the start was whether Webster would run the FBI or the FBI would run Webster.

There is general agreement that he has moved confidently and sure-footedly to assert control — to the extent that any individual can ever control a bureaucracy. It has not hurt that he was a federal judge. Federal judges are used to being obeyed. The word around the FBI monstrosity on Pennsylvania avenue is that Webster is being obeyed.